



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 19098 OF 2024

Shantabai Naganath Kamble ... Petitioner.
Versus
The State of Maharashtra and Ors. ... Respondents.

AND

WRIT PETITION NO. 19099 OF 2024

Tejashri Sanjay Gaikwad ... Petitioner.
Versus
The State of Maharashtra and Ors. ... Respondents.

AND

WRIT PETITION NO. 19100 OF 2024

Noorjanha Husen Shaikh ... Petitioner.
Versus
The State of Maharashtra and Ors. ... Respondents.

AND

WRIT PETITION NO. 19101 OF 2024

Anjali Gorekhanath Chavan ... Petitioner.
Versus
The State of Maharashtra and Ors. ... Respondents.

Mr. I.M. Khairdi i/by Mr. Mohammad S. Mulla for the Petitioner.
Mr. Nipun Sawane a/w. Mr.Sachindra B. Shetye, for Respondent No.8.
Mr. Y.D. Patil, AGP for the Respondent-State in WP/19098/2024.
Ms. Snehal Jadhav, AGP for the Respondent-State in WP/19099/2024.
Ms. S.D. Chipade, AGP for the Respondent-State in WP/19100/2024.
Mr. Hamid Mulla, AGP for the Respondent-State in WP/19101/2024.

Coram : Sharmila U. Deshmukh, J.

Date : December 20, 2024

P. C. :

1. Learned AGP raises a preliminary objection as regards the availability of an alternate remedy before the Commissioner.

Mr.Shetye, learned Counsel appearing for the State Election Commission would submit that the office of the Commissioner is vacant. By invoking the doctrine of necessity, the Petition can be decided by this Court. The issue arising in the present case is identical to the issue which is arising in the case of ***Chindanand Vitthal Kotgonde and Anr. vs. The State of Maharashtra and Ors. [Writ Petition No.11773 of 2023]***, as regards the applicability of the Government Resolution dated 15th October, 2016.

2. The election expenses had been lodged and the disqualification has been incurred for the reason that it is not in the prescribed format and the issue is under consideration as to whether the Government Resolution itself will apply to the village panchayat elections.

3. Issue notice to the Respondents, returnable on **13th January, 2025**. Mr.Shetye, learned Counsel waives notice on behalf of the Respondent No.8. Learned AGP waives notice on behalf of the Respondent Nos.1, 2 and 4.

4. In addition to Court notice, the Petitioner to serve the Respondents by private notice by all permissible modes of service and to file affidavit of service before the next date.

5. List the Petitions along with Writ Petition No.11773 of 2023 on **13th January, 2025**. Till the next date, ad-interim relief in terms of prayer Clause “(c)”.

[Sharmila U. Deshmukh, J.]